

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
BRYSON CITY DIVISION
2:12 CR 006**

UNITED STATES OF AMERICA,)	
)	
v.)	
)	ORDER
TANNER MOREN EAGLE LARCH,)	
)	
Defendant.)	
_____)	

This matter came before the Court on the Unopposed Motion to Withdraw as Counsel (Doc. 173) filed by Assistant Federal Public Defender Mary Ellen Coleman and was heard on February 22, 2019. The Motion requests that Ms. Coleman and the other members of the Office of the Federal Public Defender for the Western District of North Carolina be allowed to withdraw from representation of Defendant due to the existence of a serious and irreconcilable direct conflict of interest. The Government does not oppose the requested relief. Id. at 2.

At the hearing, the Government was represented by Assistant United States Attorney Alexis Solheim. Attorney J.P. Davis, a senior member of the Federal Defender's Office, appeared with Defendant.

An identical motion has been filed in a second matter pertaining to Defendant, case number 1:18-CR-146, (Doc. 15). Without objection from the parties, the Court considered the motions simultaneously as they share the same basis.

Mr. Davis advised that the Federal Defender's Office has reviewed Rule 1.16 of the North Carolina Rules of Professional Conduct and has received advice from the North

Carolina State Bar regarding this matter. Withdrawal is sought pursuant to subsections (b)(1) and (9), with reference to Comment 3.

In order to understand better the basis for the Motion, the Court directed that the record be sealed and the courtroom closed, without objection by the Government. Due to the nature of the conflict, the Federal Defender's Office requested leave to present information in camera. The request was allowed and the Court heard very briefly from Mr. Davis, receiving only as much further information as the Court deemed necessary. Thereafter, the record was reopened and the courtroom unsealed.

Having considered the Motion (Doc. 173), the North Carolina Rules of Professional Conduct, and the nature of the conflict, the Court concludes that withdrawal by the Federal Defender's Office is required.

Accordingly, the Motion (Doc. 173) is **GRANTED** and Assistant Federal Defender Mary Ellen Coleman and the Federal Defender's Office are **WITHDRAWN** as counsel for Defendant. The Federal Defender's Office is **DIRECTED** to assign panel counsel to represent Defendant forthwith.

Signed: February 25, 2019

A handwritten signature in black ink, reading "W. Carleton Metcalf", written over a horizontal line.

W. Carleton Metcalf
United States Magistrate Judge

